

LAW OFFICES OF BRONZE & TANG, P.C.
BankPacific Building, Suite 201
825 South Marine Drive
Tamuning, Guam 96913
Telephone No.: (671) 646-2001
Facsimile No.: (671) 647-7671

FILED
DISTRICT COURT OF GUAM
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MARY L. M. MORAN
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Attorneys for Defendant The Hongkong and Shanghai Banking Corporation Ltd.

IN THE DISTRICT COURT OF GUAM

ALAN SADHWANI, LAJU)	CIVIL CASE NO. 03-00036
SADHWANI, and K. SADHWANI'S)	
INC., a Guam corporation,)	
)	NOTICE OF EX PARTE
Plaintiffs,)	APPLICATION ON MOTION
)	TO VACATE SCHEDULING
v.)	ORDER AND CONTINUE
)	DISCOVERY AND TRIAL
)	DATES
HONGKONG AND SHANGHAI)	
BANKING CORPORATION, LTD.,)	
et al.,)	
Defendants.)	

TO: PLAINTIFFS, and their attorneys, Arriola Cowan & Arriola

NOTICE IS HEREBY GIVEN that on _____, 2004, at the hour of
_____.m., Defendant The Hongkong and Shanghai Banking Corporation Limited
("HSBC") will bring the following Ex Parte Application before the Court.

Concurrently with this Ex Parte Application, HSBC has filed a Motion to Vacate
Scheduling Order and Continue Discovery and Trial Dates ("Motion"). It is important
and urgent that the Motion be heard as soon as possible because the discovery cut-off
date set by the scheduling Order in this case is June 8, 2004, which requires the parties

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to serve written discovery requests no later than May 8, 2004. Further, the discovery and dispositive motion cut-off date is June 30, 2004 and trial is scheduled to commence on September 21, 2004. On April 27, 2004, Plaintiffs filed their First Amended Complaint ("FAC"). HSBC contends that the FAC is in violation of this Court's Order of April 9, 2004, which granted only limited leave to Plaintiffs to amend their complaint. HSBC has filed a motion to strike the FAC and, in the alternative, dismiss the third and sixth causes of action in the FAC which is scheduled to be heard by this Court on May 28, 2004. Because of the pendency of the motion to strike and dismiss, HSBC has not answered the FAC and it is unreasonable for discovery and other deadlines to expire before HSBC has even been called upon to answer the FAC and before HSBC's motion to strike and dismiss is determined which may effect the scope of any remaining allegations of the Plaintiffs. It is impossible for HSBC to conduct and complete further discovery when it is unknown what form the claims of Plaintiffs will take and whether the FAC will be sustained, stricken, or dismissed. Further, in response to Interrogatories propounded by HSBC, Plaintiffs advised HSBC on April 30, 2004, for the first time, that there were potential witnesses with relevant information pertaining to the claims raised by Plaintiffs that are located in Dubai and the Philippines. HSBC intends on deposing these witnesses and it will be impossible to do so given the parameters of the existing Scheduling Order. Also pending are HSBC's motion to reconsider HSBC's motion to stay all depositions pending determination of the motion to strike or dismiss the FAC

Sadhwani, et al. v. Hongkong and Shanghai Banking Corporation Ltd., et al.

Civil Case No. 03-00036

**Notice of Ex Parte Application and Ex Parte Application for Order Staying All Depositions Pending
Determination of HSBC's Motion to Dismiss**

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and HSBC's motion to reconsider this Court's Order denying HSBC's motion for an order certifying the denial of HSBC's motion to strike the jury demand for immediate appeal pursuant to 28 § 1292(b) and to stay proceedings pending appeal. These matters and others are more fully explained in the memorandum of points and authorities in support of the Motion to Vacate the Scheduling Order and Continue Discovery and Trial Dates filed herein.

This Ex Parte Application is supported by the pleadings previously filed in this case and by the record before this Court. Further grounds are also set forth in the Motion filed concurrently herewith, the Memorandum of Points and Authorities in support of said Motion, and the documents on file herein all being incorporated herein by this reference. This Ex Parte Application is further supported by the Declaration of Jacques G. Bronze concurrently filed herewith.

Dated this 7th day of May, 2004.

LAW OFFICES OF BRONZE & TANG, P.C.
Attorneys for Defendant The Hongkong and
Shanghai Banking Corporation Ltd.

By:

JACQUES G. BRONZE